

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/891,840	IKEDA, KIYOKAZU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nicholas D. Rosen	3625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of March 28, 2005.
2. ☒ The allowed claim(s) is/are 1-11, 14-18, 21-23 and 25.
3. ☒ The drawings filed on 26 June 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

## DETAILED ACTION

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Jay Maioli on April 8, 2005.

The application has been amended as follows: In the sixth and seventh lines of claim 10, "network for purchasing" is hereby amended to "**network, said user terminal apparatus purchasing**". In the tenth line of claim 10, "server for: handling" is hereby amended to "**server which: handles**". In the eleventh line of claim 10, "sending" is hereby amended to "**sends**". In the fourteenth line of claim 10, "executing" is hereby amended to "**executes**". In the nineteenth line of claim 10, "server for sending" is hereby amended to "**server which sends**".

In the fifth and sixth lines of claim 11, "network for transferring" is hereby amended to "**network, said user terminal apparatus transferring**". In the eleventh line of claim 11, "network for transferring" is hereby amended to "**network, said intangible product sales server transferring**". In the fifteenth and sixteenth lines of claim 11, "network for transferring" is hereby amended to "**network, said tangible product sales server transferring**".

In the sixth line of claim 21, "communication means for communicating" is hereby amended to "**communication means which communicates**". In the eighth line of claim 21, "storage means for storing" is hereby amended to "**storage means which stores**". In the tenth line of claim 21, "storage means for storing" is hereby amended to "**storage means which stores**". In the thirteenth line of claim 21, "control means for controlling" is hereby amended to "**control means which controls**". In the eighteenth line of claim 21, "controlling" is hereby amended to "**and which controls**".

***Allowable Subject Matter***

Claims 1-9 are allowed.

Claim 10 is allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Kleinberg (U.S. Patent Application Publication 2001/0037265), discloses a sales method in which at least an intangible product sales server for selling an intangible product and a (perhaps) tangible product sales server for selling a (perhaps) tangible product are interconnected by a network for cooperatively selling said intangible product and (perhaps) a tangible product upon request from a user terminal operated by a user, comprising the steps of: searching an intangible product sales server for an intangible product desired by said user based on an operation performed through said user terminal, and displaying a search result on a user terminal (paragraphs 17-20 and 38-40). Kleinberg does not disclose displaying on said user terminal information about a tangible product associated with said retrieved intangible

product, said tangible product being offered for sale by said tangible product sales server, but does disclose doing pretty much this for a second intangible product (insurance) for sale by an intangible product sales server, the second intangible product (insurance) being related to a first intangible product (travel planning and reservation services). Given that tangible product and servers for selling them are well known, this difference from Kleinberg would not be judged sufficient to make claim 1 allowable.

Kleinberg does not disclose discounting a sales price of one of said intangible product and said tangible product when said intangible product and said tangible product displayed on said user terminal are sold simultaneously. Discounts in general are known, but the particulars of discounting the price of one of a tangible and an intangible product when they are sold together do not appear to be taught in the prior art of record. Kozak (U.S. Patent 6,415,226), for example, teaches discounting insurance for drivers who use automobile navigation and safety equipment (column 15), but does not teach or suggest selling the discounted insurance in combination with the navigation and safety equipment, still less doing so in e-commerce. The anonymous article "PNI Teams with Digital Vision" teaches letting users "order CDs at attractive discounts" after downloading "taster" images, but does not teach or suggest that the discounts are conditional on buying the CD's (tangible products) and the images (intangible products) together.

The obvious statement of reasons for allowance has been set forth with particular reference to claim 1, but is also applicable to claim 10.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 11 and 14-18 are allowed.

Claims 21, 22, 23, and 25 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Kleinberg (U.S. Patent Application Publication 2001/0037265), discloses a cooperative sales system in which a plurality of servers interconnected via a network cooperatively sell a (perhaps) tangible product and an intangible product associated with each other, having: a user terminal apparatus connected to said network for transferring and receiving data about said sale with said plurality of servers and displaying and inputting said data based on an operation performed by a user of said user terminal apparatus (paragraphs 19, 20, and 26); an intangible product sales server connected to said network for transferring and receiving said data about said sale of said intangible product with said user terminal apparatus and signing a sales contract with said user about said intangible product (paragraphs 25-29, signing a sales contract, etc., being implicit from doing business); and a second product sales server connected to said network for transferring data about said sale of a second product with said user and signing a sales contract with said user about said second product (paragraphs 19, 20, and 26). Kleinberg does not disclose that the second sales server

is a tangible sales server (his second server sells intangible insurance), but it is well known to sell tangible products over the Internet. Kleinberg discloses that the user terminal apparatus comprises terminal communication means (paragraphs 4, 16, 17, and 18), display means (paragraphs 19, 20, and 26), and operator means (paragraphs 19, 20, 38, 39, and 40), the means being inherent from the disclosed actions. Similarly, given what is done in Kleinberg's system, control means for controlling the various means for enabling these things to be done is held to be inherent. Kleinberg discloses that the first intangible product sales server comprises: intangible server communication means for transferring and receiving said data with an other device connected to said network (paragraphs 25-29). Kleinberg is not fully explicit about the first intangible product sales server comprising product data storage means and information storage means for storing intangible product data about the user supplied from the user terminal apparatus, but this is obvious from the activity of the first server in Kleinberg, in that it sells travel planning and reservation services, which implies storing data on what plane tickets, hotel rooms, etc., are available, and who has ordered or reserved what products and services. Kleinberg further discloses that the second product sales server discloses communication means for transferring and receiving said data with an other device connected to said network (paragraphs 25-30 and 32); product data storage for storing product data about the second product, and user information storage means for storing second product data about the user (paragraphs 32, 33, 36, and 38-40). Server control for enabling the various operations in Kleinberg to be performed is likewise obvious from Kleinberg's disclosure.

Kleinberg discloses that when a purchase order for said second product by a user has been received by the communication means, from the first intangible product sales server, the second server control means executes a second product sales contract based on user information stored by the second server (paragraphs 29, 34, 35, and 40 [payment of sales commissions implies that actual sales take place]).

Kleinberg further discloses transmitting sales transformation about a sales contract of the second product server to the first product server through said network (implied by paying sales commission, as Kleinberg discloses). However, Kleinberg does not disclose changing a sales price of at least one of the intangible and the tangible product upon reception of said sales information from said second sales server. Discounts and other price changes in general are known, but the particulars of changing a price of one of a tangible and an intangible product upon reception of said sales information from said second sales server do not appear to be taught in the prior art of record. Kozak (U.S. Patent 6,415,226), for example, teaches discounting insurance for drivers who use automobile navigation and safety equipment (column 15), but does not teach or suggest selling the discounted insurance in combination with the navigation and safety equipment, still less doing so in e-commerce. The anonymous article "PNI Teams with Digital Vision" teaches letting users "order CDs at attractive discounts" after downloading "taster" images, but does not teach or suggest that the discounts are conditional on buying the CD's (tangible products) and the images (intangible products) together, or that the price of one product is changed based on reception of sales information from a second sales server.

The above statement of reasons for allowance has been set forth with particular reference to claim 11, but is also applicable to claim 21.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ford (U.S. Patent 6,862,580) discloses a system and method for managing tier-priced commodity transactions. Pickard et al. (U.S. Patent Application Publication 2005/0038713) disclose a pooled transaction system.

Schwanhausser ("Q & A: Determining Adequacy of Your Homeowners Insurance") discloses insurers offering discounts to people who install smoke or burglar alarms. The anonymous article, "Briefs," discloses an insurer offering discounts to people who install burglar or fire alarms. The anonymous article, "Security Provider Bundles Free Alarm System, Free PC, and Free Internet in Charitable Drive," discloses bundling a set of tangible and intangible products, and separately discloses providing discounts on insurance to people with alarm systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 703-305-0753. The examiner's telephone number is expected to be changed to 571-272-



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6762 on or about April 13, 2005. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Non-official/draft communications can be faxed to the examiner at 703-746-5574.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Nicholas D. Rosen*  
**NICHOLAS D. ROSEN**  
**PRIMARY EXAMINER**

April 8, 2005